

United States Bankruptcy Court  
Eastern District of Virginia  
Richmond Division

In re: Patriot Coal Corporation

Case No. 15-32450-KLP

Adv. Proceeding No. 16-03105-KLP

Debtor(s)

**TRANSMITTAL OF NOTICE OF APPEAL AND, IF APPLICABLE, MOTION FOR LEAVE TO APPEAL TO DISTRICT COURT**

Pursuant to 28 U.S.C. §158, Notice of Appeal was filed herein on 10/12/2018.

[Check Box if Applicable] ☐ The Appellant(s) also filed a Motion for Leave to Appeal with the Notice of Appeal.

The parties included in the Appeal to the District Court:

APPELLANT(S): Black Diamond Commercial Finance, LLC

ATTORNEY: See Attachment

APPELLEE(S): Virginia Conservation Legacy Fund, Inc.  
ERP Compliant Fuels, LLC

ATTORNEY: See Attachment

Brief Description of Judgment/Order Appealed: Order Dismissing Complaint, Dismissing Counterclaim and  
Order Denying (I) Defendants' Motion for Partial Summary Judgment and (II) Plaintiff's Motion for Partial Summary Judgment

Date Judgment/Order Entered: 9/28/18 and 2/15/18

1. Filing Fees: A. Notice of Appeal – Filing Fee \$5.00 (✓) Paid ( ) Not Paid  
B. Appeal Docket Fee - \$293.00 ( ) Paid ( ) Not Paid ( ) Deferred. See Attached Request  
2. (✓) Notice of Appeal  
3. ( ) Motion for Leave to Appeal (if any)

WILLIAM C. REDDEN, Clerk of Court

By /s/ C. Baumgartner, Deputy Clerk

Date transmitted: October 15, 2018

Telephone No. 804-916-2413

U.S. DISTRICT COURT CASE NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

PLEASE RETURN COPY UPON COMPLETION

Attachment

1. **APPELLANT**

**Black Diamond Commercial Finance, LLC**  
***Plaintiff and Counterclaim-Defendant***

Represented by: Dion W. Hayes (VSB No. 34304)  
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*Counsel to Black Diamond Commercial Finance, LLC*

2. **APPELLEES**

**Virginia Conservation Legacy Fund, Inc. and ERP Compliant Fuels, LLC**  
***Defendants and Counterclaim-Plaintiffs***

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Attachment

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